REMARKS

Applicant is in receipt of the Office Action mailed March 31, 2003.

Objection to the Specification

The Specification was objected to because the provisional application number cited on page 1 was incorrect. Applicant has corrected this paragraph to refer to the correct provisional application serial number, this being Serial Number 60/149,942.

Oath/Declaration

The Office Action stated that a new Declaration was required because the provisional serial number was incorrect. Applicant is in the process of procuring a new Declaration, and will provide the new Declaration to the Patent Office as soon as it has been obtained.

§101 Rejections

Claims 161-163 were rejected under §101 because the claimed invention of these claims was directed to non-statutory subject matter. Applicant submits that each of the new claims presented refer to statutory subject matter.

§112 Rejections

Claims 70 and 88 were rejected under §112 due to insufficient antecedent basis in the claim. Applicant has corrected this error in the new claims presented.

§102 Rejections

Claims 67-74, 130, 138-144, 160 and 164-166 were rejected under §102(e) as being anticipated by McDonald et al. U.S. Patent No. 5,966,532.

Applicant respectfully submits that the present claims are allowable over the McDonald Patent. The McDonald Patent relates to a system where a plurality of graphical code templates are stored in memory. In the McDonald system, the user may

select one or more front panel controls or indicators for inclusion in a front panel. The user may also configure the control or indicator by selecting parameter values. The Wizard program then selects a graphical code template based on the controls selected by the user and configures this graphical code template with the parameter values input by the user.

Applicant respectfully submits that the present claims are directed toward a system that is both novel and non-obvious over the McDonald system. The present application is directed toward a system for programmatic creation of a graphical program. In most embodiments, the system of the present application does not rely on selection of a previously created graphical code template. Rather, the system is operable to programmatically create or include graphical program objects, such as nodes, in a graphical program, and is further operable to programmatically interconnect these objects or nodes to create the graphical program. Thus, as one example, the system of the present application is operable to programmatically create a graphical program "from scratch" without relying on any previously existing template. Applicant has cancelled present claims 67-166 and submits new claims 167 - 284. Applicant submits that most of these new claims recite a programmatic feature of the present application wherein a program is operable to create or include graphical program objects in a new graphical program and interconnect them programmatically. This was simply not possible and not taught or suggested in the McDonald et al. Patent. The McDonald et al. Patent also did not teach or suggest programmatically modifying a graphical program by including a new graphical program object and connecting this new graphical program object to an existing graphical program. The McDonald et al. Patent also did not teach or suggest a client/server model for programmatically creating or accessing a graphical program. Therefore, Applicant submits that the present claims are allowable.
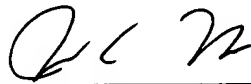
CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-37301/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

☐ Request for Approval of Drawing Changes

☐ Notice of Change of Address

☐ Check in the amount of $ for fees (   ).

☐ Other:

Respectfully submitted,

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Date: 6/36/2003